IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION No. 25974 of 2003

Between:

Gopal Singh,

S/o. Seethal Singh,
R/o.14-8-494, Puranapul Junction,
Hyderabad.

..... PETITIONER

AND

1 Union of India, rep. by its Secretary,

Ministry of Law and Justice,

Sastry Bhavan,
New Delhi.
2 Reserve Bank of India Saifabad,
Hyderabad.
3 State Bank of Hyderabad, represented by its Manager,

Bellavista Branch, Somajiguda,
Hyderabad.
4 M/s Sam Entertainment,

a partnership firm represented by its Managing Partner

Shri V.Michel Reddy,
S/o.Sambashivam, G7 Dhruvatara Apartments,

Medinova Complex, Somajiguda, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in applying the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 to the facts of the case vide impugned notice dt. 20-6-2003 issued by the 3rd respondent and if necessary declare the provisions of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 more particularly section 13, 15 and 34 as Arbitrary, illegal, unjust, contrary to the law, in violation of fundamental rights guaranteed under Article 14, 19 and contrary to Article 300-A of constitution of India and issue consequential direction not to act upon the notice dt.
20-06-2003 in exercise of any of the powers under Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

For the Petitioner :Mr. L.RAVICHANDER, Advocate.

For the Respondent: MR.A.RAJASHEKAR REDDY (SC FOR CG) for R-1

For the Respondent Nos.2 & 3: Mr. K.Srinivasa Murthy, Advocate

The Court Made the Following :

ORAL ORDER: (Per Hon'ble the Chief Justice)

In view of the decision rendered by the Hon'ble Supreme Court in Transfer Case (Civil) No. 92-95 of 2002, dated

8th April, 2004 *(MARDIA CHEMICALS LTD v. UNION OF INDIA AND OTHERS*), challenge to the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, is not tenable and for that reason, the relief prayed for cannot be granted.

The writ petition, therefore, is dismissed.

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DEVINDER GUPTA, CJ

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G. ROHINI, J.

To

1 The Secretary,

Ministry of Law and Justice,

Union of India,

Sastry Bhavan,
New Delhi.

2 Reserve Bank of India Saifabad,
Hyderabad.

3 The Manager,

State Bank of Hyderabad,

Bellavista Branch, Somajiguda,
Hyderabad.

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